

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
Amended (9/17/2010)

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

NORTHERN DISTRICT UNIFORM PRESENTENCE ORDER

NOV 29 2012

LAWRENCE K. BAERMAN, CLERK
ALBANY

UNITED STATES OF AMERICA

VS.

1:12-CR-0506 (LEK)

MARTIN S. KIMBER

A presentence report is ordered and the sentencing of this defendant is scheduled for **March 7th, 2013**, at **11:00 A.M.** at the United States Courthouse in the city of **ALBANY**, New York. (Sentencing is scheduled approximately 120 days from the date of this order).

The presentence report shall be available no later than **forty-five (45)** days before the sentencing date. It shall be the obligation of defense counsel to obtain the report as soon as it is available and discuss its contents with his/her client. The Probation Office shall provide the government and defense counsel with a Notice of Presentence Report/Waiver form which **must** be executed by the parties and returned to the Probation Office.

Objections to the presentence report, either by the government or defense counsel, shall be submitted in writing (in letter form) to the U.S. Probation Office and opposing counsel within **fourteen (14)** days of disclosure of the report. The government shall, at the same time, make known whether it is their intention to make a motion under U.S.S.G. Section 5K1.1, for substantial assistance to the authorities. Both the government and defense counsel shall, at the same time, make known their intention to make any other motion(s) for downward departure.

After receipt of this information, the U.S. Probation Office shall, **if necessary**, schedule and hold a sentencing conference with the government and defense counsel to attempt to resolve the objections to the presentence report. Such conference, if held, shall be scheduled within **seven (7)** days of receipt of the written objections.

No later than **twenty-one (21) days prior to sentencing**, all counsel shall, **unless otherwise directed by the Court**, submit a sentencing memorandum not to exceed 10 pages in length. This memorandum shall include objections to the presentence report which could not be resolved and any recommendations, motions or other material which may impact the sentence imposed. **This memorandum shall be filed electronically.**

Parties must file electronically any papers in response to these submissions within **seven (7)** days thereafter. The U.S. Probation Office shall submit the presentence report with an addendum setting forth any unresolved objections to the Court no later than **seven (7)** days before sentencing. The Probation Office shall simultaneously provide the government and defense counsel with any revisions to the presentence report and the addendum.

NOTE: If for any reason, the government or defense counsel want any of their submissions sealed, they should prepare and submit an application to seal and provide the Court with a sealing order with the submission to be sealed. Sealed documents are not filed electronically, therefore these documents shall be filed and served in the traditional manner.

The time limits stated in this order are in calendar days. These procedures must be followed to allow sufficient time for the Court to read and analyze the material submitted.

IT IS SO ORDERED,

Date: NOVEMBER 29 2012.



United States Judge Lawrence E. Kahn